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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,966	07/29/1999	JOHN F. ARACKAPARAMBIL	004066/CONS/	8777

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EXAMINER

GARLAND, STEVEN R

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/363,966	ARACKAPARAMBIL ET AL.
	Examiner Steven R Garland	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/20/00, 4/21/00, 4/24/00, 11/24/00, 1/16/01, 16/20/01, 1/30/02.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) 13-35, 48-55 and 66-69 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12, 36-47 and 56-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 April 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5,6,7,8,9,</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election of Group I, claims 1-12,36-47, and 56-65 in Paper No. 12 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 13-35, 48-55, and 66-69 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 12.
3. The abstract of the disclosure is objected to because in the abstract it is unclear what SW represents. Correction is required. See MPEP § 608.01(b).
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1-11, 36-47, and 56-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Tan et al. 6,263,255.

Tan teaches computer implemented factory automation including defining, installing, and administrating activity framework components; modeling components; use of controlling, monitoring , and tracking components. Tan also teaches plug and play components; creation and deletion of components; use of a history; control of semiconductor IC manufacturing; use of user and tool interfaces; use of databases and data structures; storing the software on a medium; context resolution; data analysis; use of a data manager; defining interactions between components; updating software; planning; and use of processing equipment and computers. See the abstract; figures; col. 2, line 58 to col. 3, line 48; col. 5, lines 15-67; col. 6, line 51 to col. 8, line 35; col. 9, lines 1-26; col. 11, lines 1-45; col. 12, lines 18-67; col. 13, lines 1-63; col. 14, lines 43-57; col. 15, line 19 to col. 16, line 17; col. 29, lines 58-64; and the claims.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tan et al. 6,263,255 in view of Mashruwala et al. 5,295,242, cited by applicant.

Tan teaches computer implemented factory automation including defining, installing, and administrating activity framework components; modeling components; use of controlling, monitoring , and tracking components. Tan also teaches plug and play components; creation and deletion of components; use of a history; control of semiconductor IC manufacturing; use of user and tool interfaces; use of databases and data structures; storing the software on a medium; context resolution; data analysis; use of a data manager; defining interactions between components; updating software; planning; and use of processing equipment and computers. See the abstract; figures; col. 2, line 58 to col. 3, line 48; col. 5, lines 15-67; col. 6, line 51 to col. 8, line 35; col. 9, lines 1-26; col. 11, lines 1-45; col. 12, lines 18-67; col. 13, lines 1-63; col. 14, lines 43-57; col. 15, line 19 to col. 16, line 17; col. 29, lines 58-64; and the claims.

Tan however does not teach the use of a visual workflow.

Mashruwala et al. teaches the use of a visual workflow for ease in operator use. See the abstract ; figures; col. 2, lines 3-29; and col. 3, line 65 to col. 4, line 52.

It would have been obvious to one of ordinary skill in the art to modify Tan in view of Mashruwala et al. to use a visual workflow for ease in modeling the system and operator use.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 2, 8, 37,44,45,47, and 62 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 37,44,57, and 62, it is unclear what GUI represents.

In claim 8 it is unclear what SW represents.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 703-305-9759. The examiner can normally be reached on Monday –Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239; for after final faxes 703-308-7238; and for non official faxes 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

L.P. *5n6*
Steven R Garland
Examiner
Art Unit 2121

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100